



## KAILUA NEIGHBORHOOD BOARD NO. 31

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### **DRAFT REGULAR MEETING MINUTES THURSDAY, JUNE 1, 2006 KAILUA RECREATION CENTER**

**Visit:** *[neighborhoodlink.com](http://neighborhoodlink.com) for more information from Kailua Neighborhood Board*

**CALL TO ORDER:** Chair Kathy Bryant-Hunter called the meeting to order at 7:05 p.m.; a quorum was present with 16 members.

**MEMBERS PRESENT:** Lawrence Bartley, Kathy Bryant-Hunter, Jon Chinen, Jim Corcoran, Michael Correa, Susan Dowsett, Virginia Enos, Faith Evans, Debbi Glanstein, Joe Harding, Knud Lindgard, Charles Prentiss, Linda Ure, Bill Wilson, Josh Wisch, and Donna Wong.

**MEMBERS ABSENT:** Mike Dudley, Dale Gibler, Claudine Tomasa.

**GUESTS:** Charles Hill (Kite boarding), Virginia Fine, Liz Jackson (Amplified Music in Kailua Beach Park), Patty Henshaw (Amplified Music in Kailua Beach Park), Maria T. Gorak (Homeless Animals), Peter Krakowiak (Kite boarding), Chris Dye, Minoo Elison (Kailua Hawaiian Civic Club, July Hoi), Lori J. Kishi, Jackie Aweau, Judy ---, Keoki Leong, Dick Hagstran, Don Dymond, Lt. Col. Patricia Johnson (MCBH-Kaneohe), David Novak, Barney McKeague, GW Watson, Carl R Pono, Sonja Evense, Robert Beard (Oahu Dive Center), Representative Tommy Waters, David Daniels, William & Mary Brooks, Harri Belluche, Judy Moody, Todd Middleton, Noel Mackisoc (Oahu Kite Club), Daniel Carlson, Andy Hood, Diane Kellett, Mark Shissler, Kathleen Yim, Phil Kelly (Kite boarding), Cindy Siak, Robert Twogood, Joe Gilman, Greg Lane (PASA-Kite boarding), Galen Young, Phil Pickford, Cheryl Vann (CSV Consultants-DLNR), Noel Makazak (NAISH), Anne Gasc (OKC), Eric Eck (OKC), Fred Larson (Kailua Beach Park Activities), Sean Brosseau (Kailua Beach Park Activities), Michael Ives (OKC), Mark McKenney (Kite boarding), Michelle Brosseau, (Commercial Activity-Beach Park), Norman Ogasawara (Lanikai Siren), Lori J. Kishi (Semi/Pro Long Distant Ocean Swimmers), Jim Wood (Park Commercial Issues), Don Bremner (Keep it Kailua), (Kailua Activities), David Earles (Kailua Chamber of Commerce-Kailua Beach Activities), Kalana Best (Kailua Beach), Tonic Bille (Kailua Beach Park), Stann Reiziss (Kailua Commercial Activities), Phil Kelly, Kathy Twogood, Jennifer Bethel (DLNR), Carolyn Belluchi, John Cummings (Oahu Civil Defense), William Brooks, Representative Pono Chong, Councilmember Barbara Marshall, Andrew Malahoff (Councilmember Marshall's Office), Lt. Richard Robinson (HPD), Mark Recktenwald (Governor's Office), Captain Chang (Honolulu Fire Department), Tonic Billie (Kailua Beach Park), Bryan K. Mick (Neighborhood Commission Office Staff).

### **BOARD OFFICER ELECTIONS (10 votes needed to elect):**

**CHAIR:** Chair Bryant-Hunter passed the gavel to Vice Chair Bartley. Vice Chair Bartley opened the nominations for chair. **Glanstein nominated Kathy Bryant Hunter. Evans seconded the nomination.** Prentiss moved to close the nominations. Evans testified in support of Bryant-Hunter, but encouraged Bryant-Hunter to be firmer with board members, including Evans. **Kathy Bryant-Hunter was elected chair of the board by unanimous show of hands. 16-0-0.** **Bryant-Hunter:** Bartley, Bryant-Hunter, Chinen, Corcoran, Correa, Dowsett, Enos, Evans, Glanstein, Harding, Lindgard, Prentiss, Ure, Wilson, Wisch, and Wong.

Vice Chair Bartley returned the gavel to Chair Bryant-Hunter.

**VICE-CHAIR:** The Chair opened nominations for Vice Chair. **Corcoran nominated Chuck Prentiss.** The chair pointed out that a second is not required for nomination of board officers. **Enos nominated Lawrence Bartley.** Glanstein moved to close the nominations. Corcoran testified that while Bartley has been active, Prentiss was also very active; chairing another board and had served as the Vice Chair for the Kailua Board. Enos deferred to Evans. Evans stated that Bartley has previously served as the chair of the Kailua Board, and he had always been very active and very reliable when it comes to board business. **The voice vote was 9-7.** **Prentiss:** Chinen, Corcoran, Glanstein, Lindgard, Prentiss, Wong, Wilson, Wisch, Ure. **Bartley:** Bartley, Bryant-Hunter, Correa, Dowsett, Enos, Evans, Harding. **No candidate was elected Vice Chair, as 10 votes are required.** Chair asked if either candidate would withdraw. Bartley reconsidered his vote and voted for Prentiss. **Chuck Prentiss is elected Vice Chair 10-7.**



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**Prentiss:** Bartley, Chinen, Corcoran, Glanstein, Lindgard, Prentiss, Wong, Wilson, Wisch, Ure. **Bartley:** Bryant-Hunter, Correa, Dowsett, Enos, Evans, Harding. Vice-chair Prentiss thanked Bartley his reconsideration.

**SECRETARY/TREASURER:** The Chair opened up nominations for Secretary/Treasurer. **Glanstein nominated Linda Ure, Wilson seconded.** Glanstein testified in support of Ure, saying her work speaks for itself, and the vote ought to be unanimous. **Linda Ure was elected Secretary/Treasurer of the board by unanimous show of hands. 16-0-0.** **Ure:** Bartley, Bryant-Hunter, Chinen, Corcoran, Correa, Dowsett, Enos, Evans, Glanstein, Harding, Lindgard, Prentiss, Ure, Wilson, Wisch, and Wong.

**APPROVAL OF MINUTES FOR MAY 4, 2006:** Corrections were:

- Page 2, Board of Water Supply, Questions and comments, item 1, line 44: change works for the legislature to lobbies at the legislature.
- Page 4, item 11, line 36: Bill reference number is incorrect. It should be SB 2074, SD1, HD1, HD2.
- Page 5, line 5-7: Clarification: ~~which put stricter underwriting guidelines in place instead of precipitating the concern and looking to obtain a more reassurance to potentially broaden the range of people who they will accept new business from...~~ which put stricter underwriting guidelines in place. This will potentially broaden the range of persons from which they can accept new business.
- Page 8, Community Projects and Notices, Line 56: Gary Moniz and Robert Fernandez were not present, delete names.
- Page 12, Transportation and Public Safety Report, Line 5: Change the motion carried, 14-2-0 to the motion carried, 14-0-2.
- Page 17, Civilian-Military Council Report, line 40: change presides to attends.

**Harding moved, seconded by Chinen to approve the minutes of May 4, 2006 as corrected. Motion passed 16-0-0.** **Aye:** Bartley, Bryant-Hunter, Chinen, Corcoran, Correa, Dowsett, Enos, Evans, Glanstein, Harding, Lindgard, Prentiss, Ure, Wilson, Wisch, and Wong.

**AGENCY REPORTS:**

**HONOLULU FIRE DEPARTMENT** – Capt. Chang reported the statistics for the month and including Aikahi and Olomana Fire Stations:

- 1 structure, 2 brush, 3 rubbish, 2 vehicle fires; 89 medical, 5 search/rescue, and 26 miscellaneous emergency calls for service. One unusual incident involved a person on Flat Island who had to be transported back to the shore.
- **Fire Safety Tip: Brush fire season is here, so remember to maintain a 30-foot wide clearing in between any structure and vegetation. Recent rains may have overgrown vegetation in some fire breaks.**
- **With Independence Day around the corner, consider leaving fireworks to the professionals and enjoy one of the many fireworks displays around town. If you use fireworks, follow all warnings and instructions. Young children should never be given fireworks. Older children should only use fireworks under the direct supervision of an adult. Have a happy and safe Independence Day celebration!**

**HONOLULU POLICE DEPARTMENT** - Lt. Richard Robinson reported that HPD was experimenting with a new format for their reports that would hopefully provide a more thorough report. 2032 total includes: 108 alarms; 129 arguments; 22 assaults; 17 burglary; 8 drugs/narcotics; 10 graffiti; 50 hazardous driver, 21 harassment; 5 ID theft; 26 loud party; 10 motor vehicle theft; 93 abandoned vehicles; 84 noise complaints; 114 nuisance complaints; 131 parking violations; 42 property damage; 1 rape; 2 robbery; 2 reckless endangering; 5 runaway; 55 thefts; 21 threatening; 13 warrant arrest; 2 weapons. In addition he reported that:

- Complaints about juveniles fighting have been on the rise. During the summer, DUI enforcement will be stepped up, as well as Crime Reduction Unit officers (CRU) approaching groups of large, loitering teens to check for illegal activities.
- An effort to stop a cockfighting ring has been progressing with success.

**EMERGENCY SERVICES DEPARTMENT** – No Representative was present.

**MARINE CORPS LIAISON** – Lt. Col. Patricia Johnson reported:

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- We are approaching the commencement of the bi-annual, multi-national RIMPAC exercises. The dates for this are June 10 thru August 3. The base will go into 24-hour operation from Wednesday July 5 to Thursday, July 27. Additional aircraft exercises will result. During the period of Friday, July 21 to Monday, July 24, jets will be operating between the hours of 6:00 a.m. till 12 noon. The route is towards Bellows within a reserved airspace, at 500 feet of altitude at a distance of one mile of the beach, over water. This will be pretty loud for those on the beaches in Lanikai and Waimanalo. Bellows beach will be closed July 21-26 to allow for RIMPAC amphibious landings. The City will not issue any camping permits during this time frame.
- On June 10, the MARFORPAC Band and Marines from the Marine Corps Air Facility will participate in the downtown Honolulu King Kamehameha Day parade.
- On June 25, Marines will participate in the annual Korean War memorial ceremony at the National Memorial Cemetery of the Pacific at Punchbowl.
- MCBH's annual "Bayfest" celebration will be held from Friday, June 30 to Tuesday, July 4. Performing at this will be Juvenile, Chris Cagle, Staind, Trick Pony, Molly Hatchet, and .38 Special. All five nights will feature the World Famous Grucci Brothers fireworks display, culminating with Oahu's largest fireworks display on July 4. For more information, visit <http://www.bayfeshawaii.com>
- The Marine Corps will again provide military support for Kailua's annual Fourth of July parade, sponsored by the Kailua Chamber of Commerce.

Chair Bryant-Hunter informed everyone that the Oahu Civil Defense presentation has been deferred to the August meeting due to the full agenda this month. She apologized if anyone had attended tonight specifically for that presentation.

Questions & answers for the Fire and Police Departments:

**HPD:**

- 1) Corcoran thanked Lt. Robinson for the new format, but asked which beat numbers correspond to which geographical areas. Lt. Robinson was not sure off-hand, but offered to send a map to the Chair that would display this information. Corcoran asked what types of calls does the miscellaneous category cover? Lt. Robinson responded that any call that does not fit into one of the designated categories gets placed into miscellaneous calls. An example of this would be someone who has locked their keys inside their automobile.
- 2) Evans commented about large, possibly commercial trucks parking on Oneawa over night, creating hazards. Evans asked if the cockfighting reference earlier related to a property in Olomana. The answer is yes, and a letter from the landowner to the tenant warning them to that cockfighting is illegal and could result in eviction and conviction has been sent.
- 3) Wilson asked if enforcement of crosswalk violations was a high priority for the Kailua district. He noted the area around McDonalds as especially dangerous. Lt. Robinson replied that crosswalk violations are a high priority for HPD districts in light of the fact that we have one of the highest pedestrian fatality rates in the country.
- 4) Dowsett observed that while the new information is good, it doesn't show the month-to-month changes or the same month previous year comparison. The Chair asked for that information to still be provided in the future, as it is highly useful.
- 5) Wong inquired how the City contracts with tow companies work. Lt. Robinson replied that each district has a contract with one vendor – Kuni's in the case of the Windward district. Wong explained that her friend's car broke down in no parking zone and was charged the full rate when her car had to be towed two blocks. Wong asked if she had the right to refuse the tow. The representative said that a car owner can refuse the City tow company and call their own, unless the officer determines that the car is a hazard or will impede normal traffic flow. Wong asked if there were pricing schedules in the City contract, and Lt. Robinson said that the contract does specify the price range for various types of tows (large vehicles, use of a harness/sled, etc.). The distance that a car is towed is a nominal part of the overall charge incurred.

Questions & answers for the Marine Corps Liaison:

- Resident Stan Reiziss asked that if the military takes the quality of life for the residents into consideration when scheduling things such as early weekend morning jet fighter exercises at 500 feet of altitude. Lt. Col. Patricia Johnson replied that the military does take that into consideration, and tried to conduct the exercises over the minimum amount of days possible in light of the fact that we are at war.

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**BOARD OF WATER SUPPLY (BWS)** – No representative was present; however a handout about water conservation was made available. Additional copies are available by calling 748-5936 or via email by visiting <http://www.boardofwatersupply.com>

**PRESENTATION ON DEPARTMENT OF PLANNING AND PERMITTING:** Member Wong gave a presentation and highlighted the following in her handout, which is available in greater detail at [http://www.honolulu.gov/nco/nb31/31\\_dpp\\_presentation.pdf](http://www.honolulu.gov/nco/nb31/31_dpp_presentation.pdf)

Specifically the role of the Neighborhood Board in Land Use Planning and Zoning are:

- Review and comment on proposed long range plans and special area planning
- Review and comment on proposed permit applications; Review and comment on proposed changes to various land development codes, ordinances and rules
- Identify issues and problems that can be addressed through existing or new programs and procedures
- and Act as a liaison body between the department (DPP) and the community with respect to land issues.

As found on Page 1, Article 5. Specific Use Development Standards are:

Specific use Standards:

- Sec. 21-5.50 Antennas
  1. Once a new tower or tower site is approved, additional antenna and accessory uses shall be processed under the minor permit procedures
  2. All new towers shall be designed to structurally accommodate the maximum number of additional users technically practicable....
  3. Freestanding antennas and towers shall be set back from every property line a minimum of one foot for every five feet of antenna or tower height.
  4. Antennas and towers supported by guy wires shall be set back from every property line a minimum of 1 foot for every one foot antenna or tower height.
- Sec. 21-5.180 Day-care facilities
  1. In AG-2, country, residential, apartment and apartment mixed use zoning districts, the following standards shall apply:
    - a. all common activity areas, such as playgrounds, tot lots, play courts and similar facilities, identified on the site plan shall be set back a minimum of 15 feet from adjoining lots in country, residential apartment or apartment mixed use districts unless a six foot high solid wall is provided as a buffer. This requirement may be waived by the director of topography or landscaping makes such a buffer unnecessary.
    - b. All day-care facilities shall be located with access to a street or right-of-way of minimum access width as determined by the appropriate agencies.
    - c. Facilities with a design capacity exceeding 25 care recipients shall provide an on site pickup and drop-off area equivalent to four standard-sized parking spaces.
- Sec. 21-5.290 Group living facilities
  - a. Unless directly related to public health and safety, no group living facility shall be located within 1,000 feet from the next closest group living facility.
  - b. Within agricultural districts, activities associated with group living facilities shall be of an agricultural nature.
- Sec. 21-5.450 Meeting facilities
  - a. In the AG-23, country, residential, apartment and apartment mixed-use districts, the following standards shall apply:
    1. Accessory eating and drinking establishments shall not be permitted, except in the apartment mixed-use district.
    2. The directory may require that certain structures be soundproofed and may establish hours of operation for amplification equipment.
    3. The minimum lot size shall be 20,000 sq. ft.
- Sec. 21-5.640 Time sharing and transient vacation units.
  1. Time-sharing and transient vacation units shall be permitted in the A-2 medium density apartment-zoning district provided:
    - a. They are within 3,500 feet of a resort zoning district of greater than 50 contiguous acres; and
    - b. The resort district and the A-2 district shall have been rezoned pursuant to the same one change application as part of a master-planned resort community.

Profiles of Permit types that will request Neighborhood Board Input (as of May 12, 2005):

- Zone Change LUO -- Section 2.40-1
  - Purpose:
    - Implement the land use policy of the City and County of Honolulu, as established by the General Plan and Development Plans

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- Regulate the use of the land through establishment & application of several zoning districts, each with its own set of permitted use & detailed development standards for the height, bulk & location of buildings.
- Application processing
  - Planning Commission (public hearing held) reviews and makes recommendation
  - City Council reviews and takes action as ordinance (public hearing held)

**Conditional Use Permit, Minor and Major Reference: LUO -- Section 2.40**

- Purpose:
  1. To allow uses considered appropriate in certain zoning districts if minimum standards and conditions are met; review on a case-by-case basis
- Highlights:
  1. Site must be suitable and the proposed use will not substantially impair the use of surrounding properties
  2. The use will contribute to the general welfare of the community-at-large or surrounding neighborhood
  3. Meets minimum standards and special conditions may be imposed
  4. Approved by the director of DPP
- Application processing:
  - Minor CUP (45 days);
    1. Antennas, meeting facilities, day-care facilities, or schools applications shall be presented to neighborhood board.
    2. Processing time may be extended if project is in Special Management Area (SMA)
  - Major (90 days)
    1. Present to neighborhood board and department pre-application meeting
    2. 45 days for agency comments and public hearing scheduling
    3. additional processing days if project is in SMA

**Major Special Management Area Use Permit: Chapter 25, Revised Ordinances**

**Purpose:**

1. Preserve, protect and, where possible, restore the natural, cultural and recreational resources of the Coastal Zone of Oahu
  - a. Exemptions include: Single-family residences, road repair, general maintenance dredging, utility repair, zoning variances, interior alterations, demolition, agriculture, subdivision into four or less lots; subdivision into lots greater than 20 acres.

**Highlights:**

1. Development of \$125,000 or less can be processed a minor permit if no significant environmental impacts (Director of DPP makes the decision)
2. Development not meeting above are processed as major permits and require EAEIS and public hearing (City Council makes the decision by Resolution)

**Review Criteria:**

1. Consistency with SMA (Special Management Area) objectives and policies:
2. Public beach access
3. Adequate public recreation areas
4. Solid and liquid waste management
5. Coastal view protection
6. Archaeological site preservation
7. Protection of natural ecosystems

**Application Processing (Major permit)**

1. Approximately 40-day review of Environmental Assessment (EA) to determine if Environmental Impact Statement (EIS) required
2. Notification of acceptances of application within 7 days of receipt of Finding of No Significant Impact (FONSI) or accepted EIS
3. Total of 120 days from acceptance of SMA application

**Shoreline Setback Variance (SV): Chapter 23, Revised Ordinances as of May 12, 2005**

**Purpose:**

1. To protect against encroachment of structures which cause shore erosion and block lateral access to public beaches.
2. To limit construction within setback areas, thereby decreasing the risk of residential and other structures being damaged by tsunamis, high waves or coastal erosion.

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**Applicability:**

1. Applies to improvements within defined shoreline setbacks of all parcels with "shoreline" frontage
2. The shoreline is defined by the upper reaches of the wash of waves as evidenced by the edge of vegetation growth or debris line.
3. Exempted improvements include certain government construction and maintenance/repair work on existing structures built prior to June 22, 1970, and previously permitted facilities.

**Highlights:**

- a. Standard shoreline setback is 40 feet, except for new subdivisions fronting sandy beaches that result in increased density or structures (60 feet) and as may be allowed for nonconforming lots.
- b. Certified shoreline survey is required
- c. No structure is permitted in the shoreline setback without a shoreline variance

**Permit Criteria:**

- a. Protect natural shoreline and minimize adverse impacts on beach processes
- b. Preserve public access along the shoreline
- c. Protect public views to, from and along shoreline
- d. Reduce hazards to property from coastal floods

**Application processing:**

- a. Environment Assessment/EIS is required prior to acceptance of SV application; approximately 45-50 days for processing
- b. Total of 90 days from acceptance of application to decision by director
- c. Public hearing required

**PERMITS THAT DO NOT REQUIRE NEIGHBORHOOD BOARD INPUT AS OF September 16, 2001:**

**Eligible Areas:**

1. Ohana dwellings are permitted in agricultural, country, & residential zoning districts, except R-3.5 Residential. They are not allowed in cluster, planned development housing, zero lot line, & duplex unit projects.
2. Infrastructure (water, sewer, roads) must be able to support additional density, as determined by the appropriate City agencies. Where sewers are not available, State Department of Health approval is required for individual wastewater facilities (septic tank or other approved system).
3. The lot must have direct access to a street with a paved width of 18 feet, if the street serves six lots, or 20 feet, if it serves more than 6 lots.

**Variances: LUO Sec. 21-1.50**

1. Petitions for varying the application of the provisions of the LUO shall be determined pursuant to Sections 6-1516 & 6-1517 of the charter.
2. Sec. 6-1516 Zoning Board of Appeals There shall be a zoning board of appeals, which shall consist of five members. The board shall be governed by the provisions of Section 13-103 of this charter.
1. Sec. 6-1517 Zoning Variances - The director shall hear and determine petitions for varying the application of the zoning code with respect to a specific parcel of land and may grant such a variance upon the ground of unnecessary hardship if the record shows that (1) the applicant would be deprived of the reasonable use of such land or building if the provisions of the zoning code were strictly applicable; (2) the request of the applicant is due to unique circumstances and not the general conditions in the neighborhood, so that the reasonableness of the neighborhood zoning is not drawn into question; and (3) the request, if approved, will not alter the essential character of the neighborhood nor be contrary to the intent and purpose of the zoning ordinance. Prior to the granting of any variance, the director shall hold a public hearing thereon. The director shall specify the particular evidence, which supports the granting of a variance. (*Reso. 83-357; 1992*)

**Questions & answers on the presentation:**

- Glanstein asked if any of the proposed Charter amendments would change the information in the presentation. Wong responded that since all the Charter Commission failed to select any of the proposals that would, the answer was no.

**ELECTED OFFICIALS:**

**COUNCILMEMBER BARBARA MARSHALL** – Councilmember Marshall distributed her report and highlighted:

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- Council is nearing the end of the City's FY 2007 budget process. There will be a reduction in the tax rate for residential property and other exemptions for homeowners that qualify that may reduce the tax bill up to another \$200.00. My proposal did not include an increase in commercial property tax rates.
- Included in the budget are: a) Money to heat the Kailua and Kaneohe pools more hours of the day, b) Money for emergency repairs to the drainage system in Maunawili that resulted from flood damage, c) Funds have been budgeted for the purchase of a vacuum truck. These are the trucks that go around after heavy rain and remove debris from storm drains. Kailua does not currently have one of these trucks. Although the budget does not specifically mention the truck if for Kailua, the Department of Facility Maintenance (DFM) has assured the Councilmember that the truck will be assigned to the Kailua area.
- There will not be any additional HPD beats created in the Windward district this coming year, but the Councilmember will try again next year.
- A driver license exam site will return to the Windward side in November when the Temple Valley site is opened.
- Member Lindgard previously requested additional parking stalls for residents at Lani Huli. The request must come from the building's management and be directed to DFM.
- This Board was interested in a financial audit of the Board of Water Supply (BWS) and a result of the audit requested by the Council is expected very soon.
- Department of Transportation Services (DTS) has so far not responded to her request concerning bus stops on Kalanianaʻole Highway.
- KBAC is getting ready to make some changes in their plan; community members will have a chance to provide input.
- Only a few areas where Ohana housing is allowed are Kalaheo Hillside, Aikahi Park, Norfolk, and Kawaiiloa Road.
- The Kawainui Nui Marsh transfer is still in limbo. Today, Acting Director of the Department of Design and Construction (DDC) Eugene Lee wrote a letter to the State asking them to implement the executive order that would turn the marsh over to the State.
- 3 Talks are coming up in Kailua on July 31, 2006 at St. John Lutheran Church.

Councilmember Marshall requested to answer question at this time due to a prior engagement.

Questions & answers for Councilmember Marshall:

- 1) Corcoran asked about money for bus stops on Auloa Road that was included in the previous budget. Was it in this year's budget? Councilmember Marshall responded that the money should still exist from the previous budget.
- 2) Wong asked if more areas would be opened up for Ohana housing other than the current areas when the sewer work is done. Councilmember Marshall said was not aware of any plans to do so, but even if an effort was made it would require many agencies and be a lengthy process; giving residents plenty of time for give their input.
- 3) Prentiss commented on the increase in property tax rates for hotels. Prentiss said that since the Council lowered the rate a few years ago, it is not really an increase. Councilmember Marshall responded that since she has been on the Council, the rate has not been lowered, and that small business will have their rate go up, not just the big hotels.
- 4) Bartley inquired how the Board could track Ohana housing in the area. He pointed out that if it is truly a family living together, than one kitchen should be enough. He suggested that once you add multiple kitchens, you are looking at a rental. Councilmember Marshall responded that it is illegal to rent a house that has been modified using the Ohana exemption--and the affidavit that must be entered into stays with the house should the owner sell it in future.

**U.S. CONGRESSMAN ED CASE** – No representative was present.

**SENATOR FRED HEMMINGS** – Written report submitted.

**SENATOR BOB HOGUE** - Written report submitted.

**REPRESENTATIVE CYNTHIA THIELEN** – No representative was present.

**MAYOR'S REPRESENTATIVE** – No representative present, however, a written report was submitted for inclusion in the minutes.

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- Status of FY2003 CIP for Kailua – request relating to flood control drainage and traffic control on Alala Road and on Kawailoa Road (Project #1996306). The Department of transportation Services (DTS) has advised that there are no funds available for traffic improvement projects in the vicinity of Kailua Beach Park. DTS did complete a connection from the bike-path running through Kailua Beach Park to the intersection of Alala and Kawailoa Roads. Relative to the specific status of this project (#1996306), the Department of Design and Construction (DDC) will be asked for a response as that department would have been charged with implementation of the project in FY03 and would monitor its ongoing CIP projects.
- Bus stop at lower Aulua Road: negotiation with State for land to complete CIP project for covered bus stops for children, handicapped, and employees in Maunawili. DTS advises that they are not aware of any land negotiation with the State for bus shelter construction. Morris Watanabe of the Public Transit Division may be contacted at 523-4725 for further inquiry.
- Question posed to the Governor and Mayor Representatives relating to the traffic signal light from Kalanianaʻole Highway and Keolu Drive that requires adjustment to accommodate a longer left turn signal from Kalanianaʻole Highway onto Keolu Drive. DTS advises that due to the lane closure on Kailua Road, Keolu Drive is being used as an alternate route by many drivers. DTS has increased the left turn green time to allow for the additional vehicles to complete the turn.

**COMMUNITY ISSUES:** Chair Bryant-Hunter reminded anyone wishing to speak should sign-in at the meeting or complete community concern form or e-mail to: [kathybryant@dpr4adr.com](mailto:kathybryant@dpr4adr.com). Comments will be limited to two (2) minutes.

Kailua Hawaiian Civic Club: Minoo Elison announced that the Kailua Hawaiian Civic Club would be holding their annual Ho'ike at Ulupou Heiau on Saturday, July 8, from 9 am to 4 pm. The Heiau is located right behind the YMCA. The Kailua Hawaiian Civic Club meets every third Tuesday at the YMCA, 7 pm, and is open to Hawaiians and non-Hawaiians alike.

Escalating use of amplification in pavilions at Kailua Beach Park: Patty Henshaw informed the Board that an escalating number of parties at the Kailua Beach Park were hosting live, amplified bands. The noises from these were traveling across the park and into the residential area around the Beach Park, having a negative impact on the quality of life for those residents. She had written to Representatives Waters and Chong, along with the Department of Parks and Recreation (DPR) and Councilmember Marshall, but as yet has not received a response. Liz Jackson added that the wind coming off the ocean carries the noise right into the upland homes. Sometimes the noise starts at 5:00 a.m. and includes televised sporting events or karaoke. The use of amplifying equipment is not permitted; however, the ordinances are not enforced.

**Questions and Comments:**

- 1) Bartley suggested that there was very little enforcement of anything at our beach parks. He suggested an agency be created to regulate parks as HPD just cannot do it all. The park is quickly becoming a textbook case of the 'tragedy of the commons.' He wishes Jackson and Henshaw luck, but feels they have an uphill fight.
- 2) Prentiss agreed that existing ordinance exists prohibiting this type of activity, and that the Parks Committee can send a letter to DPR asking them to enforce the law.
- 3) Enos inquired how and why this is not enforced when there is no permitted amplification.
- 4) Corcoran reminded everyone that the Parks Committee meets the third Tuesday, which will be June 20 this month, at 7:00 pm at Kalama Beach Park.
- 5) Evans commented that people should know that if they aren't satisfied with HPD's response when they call to lodge a complaint, they ought to call back and ask to speak to someone higher up the chain of command.

Oahu Civil Defense: John Cummings passed around a photo to Board members of a warning siren tower. He also commented on the previous residents' concern, noise in the park, and suggested that the residents purchase a sound meter, track the noise level that comes from the park, and direct their complaints to the Department of Health (DOH).

Cummings talked about the proposal to relocate a warning siren in Lanikai Association Park. Doing so will provide good coverage for the entire community. He often gets asked how long people would have to evacuate if a local earthquake generated a tsunami. The answer is, not very long at all. A local earthquake strong enough to produce a tsunami will violently shake the ground, making it hard to stay standing, but people must immediately start to



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move to higher ground as a tsunami could make landfall in a matter of minutes. He added that Oahu residents would be able to feel a large earthquake occurring on the Big Island.

Questions and comments:

- 1) Wong asked about the picture that had been previously circulated? Cummings explained that was Paia, Maui, and was only meant to show how the newer siren towers look like versus the old ones.
- 2) Bryant-Hunter inquired what the response of the Lanikai Community Association to this proposal had been. Cummings responded he was presenting to them the following week.
- 3) Enos clarified that Civil Defense should perform tests to make sure the decibel levels of the siren are appropriate. Cummings replied one of his criteria for placing the siren is that it will not negatively impact houses located near the siren, yet be able to be heard by households located away from the siren.
- 4) Evans said that the KNB ought to wait for the response of the Lanikai Community Association, and should place this item for action onto their August agenda. She added that she personally supports the effort as the current siren is really outdated and needs to be replaced.
- 5) Resident Kalana Best said she heard the siren today and inquired of its location; and what issues are faced in placing the siren inside a private park.
- 6) Bryant-Hunter encouraged interested people to attend the Lanikai Community Association meeting on the following Monday.

**GOVERNOR'S REPRESENTATIVE** – Mark Recktenwald reported:

- Rock fall mitigation project for Kailua Road – This project is proceeding on schedule. The construction of the temporary lane in the median will commence immediately and the mitigation will start in July or August.
- Hurricane Insurance – Another provider has just been approved and will be entering the market.
- Hurricane season – Hurricane season is upon us. Information for how to prepare is located inside your phone book as well as on the State Civil Defense website.
- Governor Lingle will visit the Windward side – The Governor will be speaking to the graduating class of Le Jardin academy this weekend.
- Kite-boarders and Department of Land and Natural Resources – Jenn Bethel from the Department of Land and Natural resources (DLNR) is present and can expound upon this subject. DLNR has been working with the kite-boarding association to create signs to be placed along the beach informing both kite-boarders and others about the rules governing kite-boarding as well as the designated areas for kite-boarders. DLNR will bring the proposed signs before the Kailua Neighborhood Board once the draft is complete.

Questions, comments and concerns followed:

- 1) Wong asked why DLNR is taking the lead on the kite-surfing signs when their area of responsibility is the water and not the beach. Recktenwald responded that the signs will be related to any buoys that get deployed in this effort, and since the buoys are DLNR property they have taken the lead. Wong asked then if this would be a highly unusual and highly welcome instance of the City and State working positively together on a solution. Recktenwald agreed it was. Wong thought this was interesting as the City and State are usually very insistent upon not crossing over into the other's jurisdiction.
- 2) Wong inquired about the plants in the median strip where the temporary lane will be constructed during the rock falling mitigation project on Kailua Road. Recktenwald said those would be removed, cared for, and replaced along with some enhancements once the project is complete and a median strip has been reconstructed.
- 3) Evans commented that Earthtech has been given a notice to proceed on the removal of the median strip. She hopes they will be done by July fourth, as traffic will be heavy due to the parade. Recktenwald added that the Lani-Kailua Outdoor Circle is facilitating the housing of the vegetation from the median strip during the project. Evans speculated that the actual work on the hillside will take longer than predicted as the problem with multiple ownership of the hill will prove troublesome.
- 4) Prentiss pointed out that the Kailua Neighborhood Board never passed a motion asking for the placement of signs relating to kite-boarding on the beach. DLNR earlier sent a letter to the Board, which did not indicate they were considering that option. Recktenwald said he thought that some Board members had expressed support for this idea of placing signs, and DLNR thought it was worth pursuing. The Chair explained that some of the members of the Parks Committee had indeed recommended this course of action informally to DLNR.
- 5) Resident Joe Gilman commented that there are 16 "no parking signs" in front of his house, but HPD considers parking violations as a low priority. Signs don't alter bad behavior.

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**REPRESENTATIVE TOMMY WATERS** – Representative Waters highlighted the following:

- Waimanalo Wastewater Treatment Facility: The Windward side has suffered through some bad sewage spills recently. The legislature has just appropriated an additional \$10 million dollars for the Waimanalo Wastewater Treatment Facility, which will hopefully help to prevent future spills.
- Kailua High Access Road: \$5 million dollars was appropriated for the construction of the Kailua High Access Road.
- Lanikai Park: \$75,000 was appropriated for Lanikai Park as grant-in-aid. It is a private park. Any non-profit can apply for grant-in-aid but must spend the funds as specified in the grant.
- Keolu Elementary fence: Money has been appropriated for the construction of a fence around the property of Keolu Elementary School
- CIP money for Windward Schools: The following amounts were appropriated for Windward schools – Lanikai Elementary (\$951,000), Kaelepulu Elementary School (\$810,000), Aikahi (\$1.3 Million), and Olomana (\$619,000).

Questions, comments and concerns followed:

- 1) Resident Lori Kishi inquired what the status is of the older force sewer main in Kailua Heights at Kaelepulu Stream in Enchanted Lakes that seems to not be able to handle heavy rains. Representative Waters said he was not familiar with that, and he could look into it. Corcoran pointed out that the Kailua Neighborhood Board had previously passed a motion requesting that the temporary bypass that will be installed when construction work begins on that line and be installed now to prevent further spills. The Board has not yet received a response to that request.
- 2) Wong asked that when the Kailua Reservoir overflowed, did sediment get spilled onto the coral reefs. Representative Waters said no, but one more heavy rain might flush the sediment out and into the ocean. Although the initial plan was for \$2.5 Million to control the breach, neighboring homes said it acts as a flood control measure, and therefore the legislature appropriated \$1 million dollars to repair the flood control device as an upgrade.

**REPRESENTATIVE PONO CHONG** – Representative Pono Chong

- Kailua High Access Road: \$5 million dollars was appropriated for the construction of the Kailua High Access road.
- CIP money for Windward Schools: The following amounts were appropriated for Windward schools – Lanikai Elementary (\$951,000), Kaelepulu Elementary School (\$810,000), and Olomana (\$619,000).

The Chair, without objection, took the agenda out of order to address board actions.

**BOARD ACTIONS**

**PARKS AND RECREATION COMMITTEE:**

**The Kailua Neighborhood Board recommends that the City and County of Honolulu prohibit commercial activities at Kailua Beach Park except for filming and the snack bar. Especially important to prohibit are:**

- a. kayak rentals, instruction and tours**
- b. windsurfing rentals and instruction**
- c. surfboard rentals, instruction and tours**
- d. bouncers and carnival rides**
- e. boogie board rentals and instruction**
- f. weddings**
- g. scuba rentals and instruction**
- h. delivery of rented equipment**

Board members gave a brief account of the origin of this motion:

- 1) Bryant-Hunter said that this has been an ongoing problem for years, and the City and State have absolutely failed to handle the situation despite numerous pleas from the Board to do so. She encourages all in attendance to share their thoughts not just with the Board but also with the Mayor, the Department of Parks and Recreation (DPR), and the State.

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- 2) Prentiss further explained that this is one of the many issues that the government has failed to handle properly, with homelessness and kite boarding and commercial activities being examples of others. DPR has the authority to implement the motion; it would just require them enforce their current rules regarding Kailua Beach Park. In reviewing all the rules there are a number of places that need to be changed to complete implementation. The committee decided to specifically exempt the snack bar and the occasional film project from this motion, because they felt the current snack bar had been in place for a long time and added to residents' enjoyment and use of the park, and filming, because of the rare occurrence of TV commercials. The City at one time allowed for commercial windsurfing instructions and rentals to occur at Kailua beach Park, but subsequently changed those permits to month-to-month. DPR brought up the problem of bouncers and carnival rides, mostly since the trucks used to deliver these types of equipment are driving onto the lawn, causing destruction of grounds and sprinkler systems. They also mentioned SNUBA and weddings in their discussions with the committee, hence items F and G of the motion. The other items specifically mentioned in the motion are due to complaints from community members. A previous survey (2004) by the Neighborhood Board showed that 60 percent of Kailua residents who responded were in favor of prohibiting commercial activities in the Park. In the KNB 2006 survey the respondents felt that commercial activities require enforcement and regulation for safety and that there is a need to protect the offshore areas, especially Flat Island and the Mokulua Islands.

**Community Testimony:**

- 1) Fred Larson, a longtime Kailua resident, testified that he supports the commercial activities. Visitors and families alike enjoy them. The vendors who bring in the bouncers have always conducted themselves professionally.
- 2) Sean Brosseau testified that he was against the motion, as it was too general. He feels a ban like this would force people to own equipment, as they could no longer rent. Some equipment is expensive and only needed for a short time, such as windsurfing training equipment. The ability to rent this as opposed to buy allows many people to safely learn to windsurf. He suggested that rental cars should be banned from the parking lot if we follow the logic of this motion.
- 3) Michelle Brosseau testified that she was against the motion. She said it was too broad and too extreme, and the Board should target specific problems like congestion or safety instead. She feels unleashed dogs are a bigger safety threat than the activities targeted by this ban. She also questioned if the Relay for Life would be prohibited from using the Beach Park if this motion was adopted by DPR.

Member Prentiss clarified that the motion still allowed for people to rent equipment outside of the beach park and bring into the park themselves. The Park just cannot be used as an office if the City adopted the motion.

- 4) Jim Woods spoke against the motion. He said it was unfair to a large group of the population. He pointed out that all commercial activity uses public spaces, such as airports, harbors, roadways, and they pay for it. He thinks the motion would have an overall negative impact on our community, as it would lower our economic activity and quality of life. And finally, he reasoned it would not work as it would be nearly impossible to tell who was doing pro bono work, such as teaching a friend how to surf, and who was receiving payment in return for providing such services.

Chair Bryant-Hunter asked the audience to please hold their applause as there are many speakers signed up.

- 5) Don Bremner, spokesperson for Keep it Kailua, spoke in favor of the motion. He said the Kailua community is under attack from a number of sides, and the Kailua Beach Park is one that is already over-commercialized. Quality of life is an issue. He urged the board to draw "lines" now, as it will be too late to "Keep it Kailua" in the future.

The chair reminded the audience to be respectful of all speakers, including those with whom they disagree.

- 6) Joe Gilman said he was in favor of the motion. He added that too much commercial activity was happening in the Park every single day. The impact on Flat Island and the Mokulus are unacceptable with the excessive tours to those locations.
- 7) Stann Reiziss testified that he walks the beach almost every day. He would like all beach activities to be available as long as people are respectful of others. He did point out that the increase in commercial activities has somewhat squeezed out the residents, especially when it comes to parking. He feels some

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regulation is needed, but perhaps less drastic than the Board's motion, like possibly banning certain activities on certain days and/or times.

- 8) David Earles, from the Kailua Chamber of Commerce, spoke against the motion. He informed the Board that the Chamber had taken an official position at a meeting earlier in the day, and he supplied a copy of that statement: The Kailua Chamber of Commerce represents the diverse cross-section of small businesses, organizations, individuals and interests that make Kailua the special community that it is. The KCOC is committed to insuring that Kailua's community spirit and vibrancy are preserved and protected while also supporting the activities, growth and improvements needed to serve the many interests of our community. Kailua is a community of great appeal. Our natural beauty, beaches and our beach park make Kailua a special place, and the Aloha Spirit of our residents and businesses is the glue that defines us. The vendors who's livelihood is dependant upon Kailua Bay are a part of our community, and they are ambassadors of the aloha spirit just mentioned. They are also small businesses dependent on our community, and they deserve our respect and our support. The Kailua Chamber of Commerce call on the City Department of Parks and Recreation along with the Department of Land and Natural Resources to start a formal process not to review and if necessary, update enforceable rules for commercial uses of Kailua Beach Park and the beaches fronting Kailua Bay. We further call on the city agencies to commit to enforcing these rules. While the CCOC agrees with the spirit with which these motions were written the Kailua Chamber of Commerce cannot agree with the motions as written and strongly urges this board to vote NO on these motions.

Member Prentiss stated that he was not surprised that the Chamber of Commerce would take the side of the business, since that's the Chamber's purpose and asked Mr. Earles if it's okay to use public parks for commercial activities. Mr. Earles responded that it is not okay if the business is unlicensed, but if the licenses are in order then yes, they support it. Member Wong asked if the Chamber supports commercial activity on all beaches, as the position the Chamber took refers to 'beaches fronting Kailua Bay.' Mr. Earles said that the Chamber wants the rules for each beach to be reviewed and enforced, but their position was in reaction to the Neighborhood Board's motion that references Kailua Beach Park only.

- 9) Kalana Best spoke in favor of the motion. She said that the commercial activity is taking over the Beach Park, and starting to spill over. She mentioned that Lanikai has become heavily congested as a result. She said tourists ask if they can use the restroom in her house on a frequent basis. She thinks that these businesses need regulation, and the City and State have utterly failed to control the situation.
- 10) Phil Kelly testified against the motion. He said that as a child he rented surfboards. Nowadays, he rents kayaks, as he cannot afford to buy one. If Kailua is to be only for the enjoyment of rich people, then he thinks the Board should pass the motion. He added that there are commercial activities all over the island, and it is important for people to be able to obtain instruction when they start to learn how to surf, kayak, or windsurf.
- 11) Cindy Siak said she was against the ban since she has done almost everything on the list at one time or another, and that's what makes Kailua Beach so much fun.
- 12) Robert Twogood asked how many members of the Parks committee were present at the May committee meeting at which the motion originated. Prentiss declined to answer the question. Twogood asked again. The Chair encouraged Mr. Twogood to continue on. Twogood said the lack of people attending the committee meeting was relevant, since the Board is supposed to represent the community and its wishes. Prentiss pointed out that a Board survey showed 60 percent of Kailua residents who responded supported banning commercial activity in the beach park, so the Board was representing the community. Twogood suggested that he disagrees with the Board's survey results. The Chair asked for order and reminded Twogood to address his comments to the entire Board and state his position on the motion. Twogood responded that he was very surprised that the Parks Committee went with the nuclear option of banning all activity rather than trying to work with the vendors. He mentioned that his area of expertise is kayaking, as he owns a rental company that has been in Kailua for many years. He points out that the kayak rentals only use the beach for a small time period when they are launching and landing and even then they only use a small, 50-yard swath of beach. Twogood said his company has always worked with Boards, Associations, and Canoe Clubs when concerns cropped up. He feels reasonable people always can come to an agreement. He then asked for a show of hands from the audience as to who is against the motion. The Chair ruled Mr. Twogood's action out of order, and asked for the next speaker to approach the microphone.
- 13) Greg Lane thinks that 95 percent of the beach is not used by commercial activities, and therefore he is strongly opposed to this motion.

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- 14) Jenn Bethel, and employee of DLNR, said she was actually here to speak on the next motion. But she wanted to add that DLNR has previously looked into beach weddings about two years ago on Maui, and DLNR found opposition to their efforts as many people think that is a good use of the beaches. She thought that a City representative ought to speak on the current motion.
- 15) Carlos Hilton testified against the ban, as it is too broad. He thinks economically challenged people need to have the option to rent equipment as they cannot afford to buy it outright. He thinks that section H, banning delivery of rental equipment into Kailua Beach Park, is the section that would kill many Kailua businesses.
- 16) Molly Moser-Cates recalled speaking in front of this Board years ago. She said the proposal back then was to allow a single vendor for each business in the Beach Park, much like Waikiki does. The Board correctly voted that down, as it was too large a restriction on businesses. This motion is unnecessary, as many rules have been in place for years and not enforced. She feels that Board should focus on regulation, not banning. Not allowing sales on the beach is good, but don't ban all activities.
- 17) Noel Mackisoc testified against the motion. He asked why Kailua is so afraid of tourists. He acknowledged that it's hard with only one beach park for all of us to share, but stressed that Kailua businesses needs tourists to survive. The activities the motion seeks to ban helps draw tourists over to the Windward side. We need regulation, not banning.
- 18) Phil Pickford testified against the motion, as he thinks the rental activities are a big plus when extended family visits those of us living in Kailua.
- 19) Robert Twogood introduced a petition against the motion with 400 signatures, all of which he had collected in two days.

Member Prentiss said that he had received complaints against how Mr. Twogood's petition was worded. The Chair reminded the Board members to hold their comments until the appropriate time in the agenda for board comments.

- 20) Tonic Billie spoke against the motion. She thought vendors with permits should be left alone, and that the motion is failing to address the true problem, illegal vendors. In her opinion, some members of the Board are simply anti-tourist.
- 21) Carolyn Belluchi mentioned that last time she visited Kailua Beach Park, she was told by kite-boarders that they should probably move, which she found to be very rude. She also has had kite-boarders crash into her property several times. Although she does not think every activity needs to be banned, some regulation is needed, as there is just too much commercial activity going on. She guarantees that she could get 400 signatures supporting that!
- 22) Kathy Twogood testified against the ban. She mentioned that the family kayak business has taught classes for the University as well as some of the high schools, and this ban would be preventing our children from learning.
- 23) Anne Gasc said that Kailua Beach Park is a great venue for lots of different activities. She suggested that maybe a ban on commercial activities on the weekends and holidays would be a good compromise, as that is when residents heavily utilize the Park.

The Chair said that Board discussion would now commence. A round table format would be used since she assumes every Board member would have some comment on the motion.

- 1) Wilson spoke in opposition to the motion as currently written; he thinks it should be amended to allow legal vendors to remain.
- 2) Prentiss pointed out that if the Board passes the motion; it simply becomes a recommendation to DPR. The board has no authority over DPR.
- 3) Wisch commented that the motion is overly broad and cumbersome, and needs to be narrowed. He also thinks that as a society we want to encourage healthy activities for our youth. All the activities targeted by this proposed ban are healthy activities.
- 4) Dowsett spoke in favor of the motion, as technically most of the items contained in it are already prohibited. The prohibitions were put into place to prevent the commercialization of the Beach Park.
- 5) Correa said he supports the motion, but noted that DPR would be burdened with administering the regulations contained in the motion.
- 6) Enos commented she supports the motion, and added that it does not ban weddings on the beach, simply commercial weddings.
- 7) Evans said she supports the motion. Maybe it will serve as a wake up call to the City and State that they need to regulate and enforce those regulations. She suggested that a special agency to supervise activity

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in the Park ought to be created. Everything else the Board has tried to solve the issues in the past has failed, such as asking for self-policing and asking for more government involvement.

- 8) Ure spoke in favor of the motion. Other actions have failed to curb illegal activity in the Park. Enforcement needs to be done, and maybe this motion will be the catalyst. She encouraged everyone to put pressure on the various government agencies to get involved with this issue.
- 9) Bartley said that ever since he joined the Board in 1989, a powerful force has been trying to remake Kailua into a tourist destination. He disagrees with that concept, and feels the residents deserve to have reliable government enforcement when it comes to the Beach Park regulations. Until that is done, he supports the idea of a blanket ban. He added that this motion still allows people to utilize rented equipment in the Park, they just cannot exchange money or goods while on the property of the Park.
- 10) Wong spoke in favor of the motion, as previous Board efforts to get government regulation have failed. She added that the City used eminent domain to create the Park, displacing people from their homes, and it's wrong for other people to now be making money off that.
- 11) Chinen supported the motion. He suggested that it will force the City and the business community to keep talking to each other.
- 12) Glanstein said the motion had her support, she especially feels something needs to be done about the kayak tours to Flat Island and the Mokulua Islands.
- 13) Corcoran spoke in favor of the motion, pointing out that the board survey showed a majority of residents who responded support the ban. He also added that the committee meeting where this motion originated was conducted properly.
- 14) Lindgard said he was against the motion. He feels that there is not sufficient coordination between the City and the vendors. He commented that almost all of the younger people in attendance seem to be against the motion, and that should give the Board members who support the motion pause.
- 15) Harding agreed with Lindgard's comments and adds that the motion is simply too broad.
- 16) Chair Bryant-Hunter spoke in favor of the motion. She commented that she has received many e-mails in support of more regulation in the Park. These issues have been ongoing for ten years, and in that time the City and State have failed to work together, which has led to dividing the community. She thinks enough is enough, and would encourage everyone to call the Mayor, DPR, and DLNR with their thoughts on the issue.

**The motion carried, 12-4-0.** **Aye:** Bartley, Bryant-Hunter, Chinen, Corcoran, Correa, Dowsett, Enos, Evans, Glanstein, Prentiss, Ure, Wong. **Nay:** Harding, Lindgard, Wilson, and Wisch.

**The Kailua Neighborhood Board recommends that the City and County of Honolulu prohibit kite boards at Kailua Beach Park.**

Prentiss gave some background of the origin of this committee motion. He explained that the committee has originally suggested licensing kite boarders as a way to regulate them, but this idea was rejected by DLNR. Therefore, the committee concluded that the ban was the only option left to pursue.

Wong called for a point of clarification, "DLNR rejected the licensing idea?" Prentiss responded in the affirmative.

Evans called for a point of clarification, "DLNR only said they would meet with the kite-boarders, not the Board?" The chair asked that the DLNR representatives answer that during community testimony.

**Community Testimony:**

- 1) Jenn Bethel from DLNR testified that the proposal to license kite-boarders was not under consideration by DLNR. She said that kite-boarding is in the same stage that windsurfing was in the 70's and is undergoing some growing pains. DLNR wants to work with the community, the Kailua Neighborhood Board, and the City to regulate kite boarders. DLNR has met with the City about kite-boarding recently. Kite boarders utilize public space under the jurisdiction of DLNR and the City, so it is vital that City and State work together on this issue.

Member Wong asked if DLNR issues permits/licenses for anything at Kailua Beach. Bethel responded not for activity occurring on City property. Wong asked what about activity that's happening on the Mokulua Islands. Bethel said the commercial activity is not technically banned on the offshore islands, but DLNR is revisiting this issue spurred in part by the sandbar situation in Kaneohe Bay.

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Member Bartley inquired into realistic enforcement. Bethel mentioned DLNR's division called DOCARE, which patrols the Park (when it can), but acknowledged that enforcement is a problem. She stressed community eyes and ears will be vital whatever changes to the regulations are in the future.

Member Evans mentioned that there are not nearly enough DOCARE officers to cover the Beach Park. She added that there is no 24-hour phone number for people to call when they witness a violation. She thinks that is ridiculous and hopes that sentiment gets back to the DLNR administration. Bethel said that while that would be "nice to have"; HPD is primarily responsible for what goes on in the Beach Park.

**Ure moved, seconded by Chinen to extend the meeting past the time listed on the agenda. Motion passed 16-0-0. Aye:** Bartley, Bryant-Hunter, Chinen, Corcoran, Correa, Dowsett, Enos, Evans, Glanstein, Harding, Lindgard, Prentiss, Ure, Wilson, Wisch, and Wong.

Member Ure commented that before the City changed its rules, all Twogood Kayaks had a DLNR decal on them. That also made it easy to tell the difference between licensed and unlicensed kayaks. She asked Bethel to find out what the purpose of the DLNR decals were and if it related to DLNR licensing and/or permitting. If it was used for Kayaks, why not other licensed vendor equipment.

- 2) Anne Gasc testified that self-policing has improved the situation. She added that the kite-boarding association has been working with DLNR to design signs that include visual maps as to what boundaries kite-boarders should be observing along the coastline of the Beach Park.
- 3) Joe Gilman said that kite-boarding was a relatively new sport, and it caused a big uproar in 1999 when it was introduced. He feels that the self-policing has currently failed.
- 4) Eric Eck commented that DLNR rules are already in place, but they are not well known by kite-boarders and rarely enforced. The signs being designed will list those rules, as well as a phone number people can call should they witness a violation. He feels this will solve the interaction problem with the general public.
- 5) Sean Brosseau testified that outdoor sports are good, and compromise and regulation should be the response when problems arise. We need signs to help facilitate this.
- 6) Mike Ives commented that the Board was successful in getting the attention of the kite-boarding community. He assured the Board that the kite-boarder association was ready and willing to work with the Board and the government agencies to regulate the sport. He mentioned that Kailua Beach Park is one of the best places in the world for kite-boarding.
- 7) Peter Krakowiak said that the Board faces some tough decisions. He related that the kite-boarding has negatively impacted the surf area near Flat Island, and the safety issues worry him the most. He said that some fatalities have resulted from kite-boarding, usually the kite-boarder being the one fatally injured.
- 8) Greg Lane spoke against the motion. He feels the sport can be regulated. He added that signs and a dedicated launching/landing point need to be created.
- 9) David Novak said that regulation is possible--safety is possible.
- 10) Tonic Billie said that the motion is bad, and that the board is simply trying to pressure the City into doing something, even if it's not very logical.
- 11) Phil Kelly spoke against the motion. The Beach Park is very large, and the kite borders just need a short access point on the beach. As long as they stay out of the designated swim areas, he does not see why they cannot be allowed to use the Park.
- 12) Phil Pickford commented on the earlier remark about kite-boarding fatalities. There are no clear-cut statistics for the United States. Australia does have though, and the rate is 4.7 injuries per 1000 hours of kite boarding. None of those injuries involved non-kite-boarders. There was one fatality in Hawaii, but it appears likely that the cause of death was due to separation from the board.
- 13) Noel Makazak testified that the problems have been shrinking. The Board should support the idea of placing buoys and beach signs to help regulate the sport. An outright ban is wrong, we should work together.
- 14) Todd Middleton said that many of the people kite-boarding are professionals and take it very seriously.
- 15) Cheryl Vann introduced herself as a consultant hired by DLNR to evaluate ocean uses at Waikiki and Kailua beaches. She did want to add that EMS has no record of responding to a call relating to kite-boarding. She promised to inform the board of her findings when they are complete. Her contact number is 808-214-0052 and her e-mail is [csvconsultants@hotmail.com](mailto:csvconsultants@hotmail.com).

The Chair opened up board discussion.

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- 1) Evans offered an amendment to the motion to add "on weekends and State and Federal holidays and KNB demands that DLNR post appropriate signs regarding existing regulations near Zone A at Kailua Beach Park and other regulated areas," after the phrase 'Kailua Beach Park.' Prentiss seconded the amendment.

An audience member commented that the amendment would not allow for local residents who work a normal schedule to kite-board in the park, thereby meaning only tourists could enjoy the beach park for kite boarding.

- 2) Prentiss added a secondary amendment to add the words "and all D.O.E. recesses," after the phrase Federal Holidays in the proposed amendment. Evans agreed to the secondary amendment.

Audience member Anne Gasc commented that she usually does her kite boarding on the weekends, so to her the amendment is ridiculous.

- 3) Corcoran commented that kite-boards do pose a danger to swimmers, and they need to have separate areas.
- 4) Wisch said banning a sport is wrong. Kite-boarders have been taking action, and the situation can be managed without outright banning.
- 6) Dowsett spoke in favor of the motion. She said nothing else works, and although most kite-boarders are conscientious a few "bad apples" make it unsafe to allow the activity to occur at the beach park.
- 7) Glanstein commented that this motion asks for two government agencies to tell kite-boarders to just go away instead of dealing with the specific issues that are causing concern.
- 8) Lindgard said kite-boarding is just like windsurfing and hang gliding, and that he opposes the motion. He said an access point from the beach to the open ocean ought to be provided for kite-boarders, and once on the open ocean the traditional rules governing open ocean use would be in effect. The Board's efforts should be aimed at making sure kite-boarders are operating in the open ocean, and not along the shoreline.
- 9) Evans elaborated that she offered the amendment to try and make the original motion less draconian. She thinks compromise needs to be sought on this issue. She added that people need to realize that can't have it exactly as they would like it all the time.

Chair Bryant-Hunter passed the gavel to Vice-Chair Prentiss.

- 10) Bryant-Hunter spoke in opposition to both the amendment and the original motion. She feels the amendment would ban the very days where kite boarders would be most likely to want to use the bay. She added that tonight was the first time DLNR has communicated to the Board that they were working on signage, and that was a positive first step in the right direction.

Vice-Chair Prentiss passed the gavel back to Chair Bryant-Hunter.

- 11) Prentiss said that the Board has been trying to reach a compromise for years with the kite-boarders, and the problems are still getting worse. Kite-boarding is just incompatible with other activities in the Park.

**The amendment to the main motion failed, 6-9-1.** Aye: Corcoran, Dowsett, Evans, Prentiss, Ure, and Wong. Nay: Bartley, Bryant-Hunter, Chinen, Correa, Glanstein, Harding, Lindgard, Wilson, and Wisch. Abstain: Enos.

Bartley called for the previous question.

**The motion failed, 6-10-0.** Aye: Corcoran, Dowsett, Evans, Prentiss, Ure, and Wong. Nay: Bartley, Bryant-Hunter, Chinen, Correa, Enos, Glanstein, Harding, Lindgard, Wilson, and Wisch.

The Chair asked DLNR to keep the Board apprised of the progress with the design and placement of the signs.

The chair moved to take the agenda out of order without objection.

**EXECUTIVE COMMITTEE:**

**The Kailua Neighborhood Board will recess in the months of July 2006 and January 2007.**



**KAILUA NEIGHBORHOOD BOARD NO. 31  
REGULAR MEETING MINUTES  
THURSDAY, JUNE 1, 2006  
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Discussion:

- 1) Wong commented that the Board cannot take off July in light of the fact that it is almost 11:00 p.m. and a large segment of the agenda has not been addressed as of yet.
- 2) Enos agreed with Wong's comments.
- 3) Glanstein said the Board needed to meet in July.
- 4) Corcoran seconded Glanstein's thoughts.

The Chair split the motion and Dowsett called for the question on the Board recessing in July.

**The motion to recess in July 2006 failed unanimously, 0-16-0. Nay:** Bartley, Bryant-Hunter, Chinen, Corcoran, Correa, Dowsett, Enos, Evans, Glanstein, Harding, Lindgard, Prentiss, Ure, Wilson, Wisch, and Wong.

**The Kailua Neighborhood Board will use \$2,000.00 of KNB annual budget to fund 10 meetings at \$200.00 per meeting for broadcast on Olelo for the fiscal year July 2006-June 2007.**

**The Motion passed unanimously, 16-0-0. Aye:** Bartley, Bryant-Hunter, Chinen, Corcoran, Correa, Dowsett, Enos, Evans, Glanstein, Harding, Lindgard, Prentiss, Ure, Wilson, Wisch, and Wong.

**The Kailua Neighborhood Board transfers \$50 from its publicity account to its operating account to defray production costs of agenda and minutes for the fiscal year July 2005 –June 2006.**

**The Motion passed unanimously, 16-0-0. Aye:** Bartley, Bryant-Hunter, Chinen, Corcoran, Correa, Dowsett, Enos, Evans, Glanstein, Harding, Lindgard, Prentiss, Ure, Wilson, Wisch, and Wong.

The Chair moved to adjourn if there were no objections. Evans inquired about the purpose of the motion to rename the Parks and recreation Committee to the Parks and Public Works Committee. The Chair asked to defer the discussion to the July meeting when the motion would be considered.

**ADJOURNMENT:** Without objection, the meeting adjourned at 11:05 p.m.

Submitted by

Linda Ure, Board Secretary and  
Bryan Mick, Neighborhood Commission Office Staff